

REMARKS

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on September 5, 2003

Claims 1 – 17 and 19 – 29 are pending. Claim 18 was withdrawn. New claims 21 – 29 have been added. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claim 11 was objected to for the reasons stated in the office action. The correction requested in the office action has been made. Withdrawal of the objection is respectfully requested.

Claims 7 – 8, 15 and 19 were rejected under 35 USC 112, second paragraph, as being indefinite. The applicant respectfully requests that this rejection be withdrawn for the following reasons.

Claims 7 and 19 have been amended to adopt the wording suggested in the office action. The basis for the rejection of claim 15 is respectfully questioned Claim 15 is rejected due primarily to an alleged lack of clarity. A rejection under section 112, second paragraph requires that A) claims set forth subject matter applicant regards as the invention; and B) claims particularly point out and distinctly claim the subject matter of the invention. Since A) relies on subjective interpretation, B) necessarily forms the objective basis for a rejection under this paragraph. Item B) requires an inquiry into the definiteness of the claim, e.g. whether the scope of the claim would be clear to a person of ordinary skill in the art (MPEP 2171). The applicant

submits that the wording comparing a “transmitted-torque capacity lower limit for correcting inertia of the drive shaft” and “a target engine torque for running” would have been clear to one of ordinary skill in the art as written. Therefore, the rejection is improper under 35 U.S.C. §112 second paragraph.

Claims 1, 16 and 19 – 20 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,364,811, Hubbard et al. (“Hubbard”). The rejection is respectfully traversed for reasons including the following, which are provided by way of example.

As described in the application, one or more aspects are directed to solving the problem of the conventional technique which “takes it into account a slip ratio (i.e., transmitted ratio) at a torque converter through which a running torque is transmitted from the engine to the torque converter and transmission. However, actually, the joint state of the friction joint component varies depending on the magnitude of torque inputted from the engine and torque converter. ... However, the joint state of the clutch changes any time depending on gear changes ...It is impossible to realize the engine output control preventing an improper slip at the friction joint component.” (Specification page 4, lines 5 - 26.)

According to the claims, e.g., claim 1, the invention is directed to an apparatus for controlling a joint force of a friction-joint component that is applied to “a vehicle that is running;” and includes “a joint force setting unit configured to set a value to the joint force depending on the information regulating the transmitted torque capacity” (see also independent claim 20). By controlling the joint force through an improved setting of the transmitted torque of the torque transmitting mechanism, performed while the vehicle is running, the friction-joint component can be inhibited from slipping improperly and fuel consumption can be improved.

Without conceding that Hubbard discloses any feature of the present invention, Hubbard is directed to controlling transmission shift operations themselves. According to Hubbard, the object to be controlled is whether or not a friction-joint component (e.g., clutch) should be engaged. See, e.g., Hubbard, Col. 3, lines 3 – 13, and Figs. 6A and 6B (column 6, line 5).

The office action asserts that Hubbard discloses the invention as claimed. To the contrary, Hubbard fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. Hubbard fails to teach or suggest, for example, “a joint force setting unit configured to set a value to the joint force depending on the information regulating the transmitted torque capacity.” (See, e.g., claim 1.) To the contrary, in Hubbard, with the friction-joint component prevented from being damaged and without causing shocks in the shift operations, the engaged states of the friction-joint component are changed.

Hubbard fails to teach or suggest, for example, these elements recited in independent claims 1 and 20. It is respectfully submitted therefore that claims 1 and 20 are patentable over Hubbard.

For at least these reasons, the combination of features recited in independent claims 1 and 20, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Hubbard clearly fails to show other recited elements as well.

It is respectfully submitted that the remaining references of record fail to remedy the deficiencies of Hubbard. For example, the control of Jamzadeh is performed while the vehicle is stopped (see, e.g., col. 1, lines 59 – 60). According to Jamzadeh, in order to improve fuel consumption, a transmitted torque capacity is controlled to a level at which the friction-joint component is not engaged (e.g., open or neutral), or almost not engaged. This fails to teach or

suggest, for example, an apparatus for controlling a joint force of a friction-joint component that is applied to “a vehicle that is running.”

The applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicant does not concede that the cited prior art shows any element recited in the claims. However, the applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Dependent claims 2 – 3, 9 – 11, 13 and 17 were rejected under 35 USC 103(a) as being unpatentable over Hubbard further in view of U.S. Patent No. 5,803,869, Jamzadeh et al. (“Jamzadeh”). Dependent claim 12 was rejected under 35 USC 103(a) as being unpatentable over Hubbard in view of Jamzadeh, further in view of U.S. Patent No. 5,558,597, Oba et al. (“Oba”). With respect to the rejected dependent claims, the applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claims 1 and 20, but also because of additional features they recite in combination.

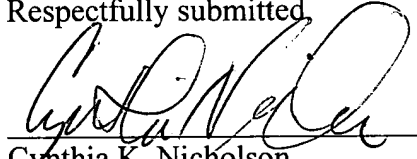
New claims 21 – 29 have been added to further define the invention, and are believed to be patentable for reasons including these set out above. Support for new claims 21 – 29 is located in the specification as originally filed, for example in claims 2 – 8 and 16- 17, respectively.

The applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicant has provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted



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